Wuskwatim Generation & Transmission Projects - EIS Guidelines

Consultation on Draft Guidelines for the Preparation of the Environmental Impact Statement - What You Told Us

Background:

During the late fall of 2001, Manitoba Conservation, on behalf of the Project Administration Team, prepared Draft Guidelines for the Preparation of the Environmental Impact Statement for each of the Wuskwatim Projects. The draft guidelines were prepared after considering the Draft Scoping Documents for the projects that were provide by Manitoba Hydro and Nisichawayasihk Cree Nation.

In December 2001, Manitoba Conservation placed the draft guideline documents into the Public Registry files that had been established to accommodate public access to the environmental assessment information about the projects. (Files 4724.00 & 4725.00) In mid-December, Manitoba Conservation placed an advertisement in newspapers inviting interested publics to provide comments and concerns about the projects and the draft guidelines and allowed a 90-day review period within which input would be received.

Concurrent with the invitation for public comment on the projects and the draft guideline documents, the Minister of Conservation requested that the Clean Environment Commission host public meetings to allow for presentations to be made to the Commission about the draft guidelines. Four public meetings were held in varying locations around the province. A report on the Clean Environment Commission's meetings was received in April 2002.

The following table itemizes comments that were received and the Action by the Project Administration Team.

Date: Mar. 18 **Author:** Anishinaabe Turtle Island Protectors (ATIP) - Garry (Morning Star) Raven	
Guideline Related Comments	**Action by the Project Administration Team**
• "need for the generation project" be included in the requirements of the guidelines.	• The consideration of "need for" and "alternatives to" the project are at the discretion of the RA (DFO) for a comprehensive study and are not required for the federal review of the Wuskwatim Generation Project. These will be examined under the PUB process. "Purpose of " and "alternative means of carrying out the project" are requirements under CEAA and are included in the Guidelines. PUB recommendations will be reported in the EIS process.
• background on the effects of previous hydro development projects be required.	• cumulative effects analysis section has been strengthened and will require the effects of the Wuskwatim projects be assessed with respect to past and future projects.
• information regarding deliberations amongst First Nation residents in the affected area be reported in the EIS.	• required in the guidelines as part of the Public Consultation Plan reporting.
• the federal government take the lead in the administration of the cooperative environmental assessment process.	• contrary to the spirit and intent of the *Canada-Manitoba Agreement on Environmental Assessment Cooperation.*
• Bipole III should be part of scope.	• not applicable to the scope of the Wuskwatim Projects.

• infringement of Treaty and Aboriginal Rights be assessed.	• included in the guidelines.
• inclusion of cumulative effects in the Description and Scope of the Project.	• assessment of cumulative effects has been strengthened and is included in the guidelines.
• meaningful consultation with First Nations c/w background information provided on older hydro developments in the region.	• process being developed to consult with affected First Nations as part of governments' responsibilities and included in the Public Consultation Plan report required in the guidelines.
• additional time for further comments.	• not applicable.
• guidelines require a description of existing Treaty and Aboriginal rights and an analysis of effects to Treaty and Aboriginal Rights.	• included in the guidelines.
• a large-area land use study be completed.	• not applicable to development of the guidelines.

Date: Feb. 20
Author: Ducks Unlimited Canada - Christopher E. Smith, CWB - Field Biologist, Western Boreal Forest

Guideline Related Comments	Action by the Project Administration Team
• there is limited reference to wetlands in the draft guideline documents.	• more reference incorporated into guidelines.
• use of the Canadian Wetland Classification System for evaluation and that the guidelines require identification, and assessment of effects to wetland habitats including marshes and open-water wetland types.	• included in guidelines.
• no reference to waterbirds ie: the EA should consider effects to waterfowl and non-waterfowl species.	• included in guidelines.
• descriptions of wetland vegetation be included in the section requiring information on Terrestrial Environment.	• included in guidelines.
• a description of the existing seasonal use of wetlands by waterbirds for breeding molting and spring and fall staging be included under Wildlife section.	• included in guidelines.

• Section 5, Generation Guidelines require both upstream and downstream effects be covered including effects to existing wetlands, accelerated drainage, interruption of natural drainage, creation of new wetlands, and loss of wetland habitat.	• included in guidelines.
• Sections 5 & 6 of the Transmission Guidelines require the influence of the project components on natural drainage patterns, erosion potential and sedimentation be reported.	• included in guidelines.
• the effects of the project on waterbirds be specifically required, including reporting of the project's effects to movement patterns and bird strikes.	• included in guidelines.
• development of an effective environmental monitoring program.	• included in guidelines.

Date: Feb 27
Author: Glen Koroluk on behalf of Future Forest Alliance

Guideline Related Comments	**Action by the Project Administration Team**
• need for a full federal panel review including requirements for assessment of " need and justification", "purpose of" and "alternatives to" the project.	• The Federal responsible authority (RA) has determined that a comprehensive study is the most appropriate process for the Wuskwatim Generation Project at this time, and will provide the means for ensuring that the environmental effects of the Wuskwatim project receive careful consideration by the federal government. • The consideration of "need for" and "alternatives to" the project are at the discretion of the RA (DFO) for a comprehensive study and are not required for the federal review of the Wuskwatim Generation Project. These will be examined under the PUB process. "Purpose of " and "alternative means of carrying out the project" are requirements under CEAA and are included in the Guidelines. • PUB recommendations will be reported in the EIS process.
• all issues included in the Conawapa Draft Guidelines be included in these guidelines.	• not applicable or appropriate.
• a reference to the Sustainable Development Act should be included in the EIS.	• guidelines require that the EIS incorporate and reflect the *Principles of Sustainable Development*.

• include requirements to assess impacts from climate change in order to assess possible effects to hydrologic flow characteristics and reservoir levels.	• included in the guidelines.
• participant assistance be established with no cap on funding.	• not applicable to the guidelines development process.

Date: Mar. 18
Author: Canadian Nature Federation - Manitoba Wildlands Campaign - Gaile Whelan-Enns

Guideline Related Comments	Action by the Project Administration Team
• guideline documents lack a complete and coherent policy framework and guidelines are vague.	• identification and analysis of relevant legislation, planning initiatives and policies incorporated in the guidelines.
• lack of distinction and specifics between the two guideline documents is confusing.	• effort has been made toward ensuring consistency where applicable.
• guidelines must provide sufficient certainty regarding the biophysical work already complete.	• identification of previous studies will be incorporated and assessed in the EIS.
• existing sustainable development strategies should be added to the standard for the EIS.	• guidelines require that the EIS incorporate and reflect the *Principles of Sustainable Development & the Land & Water Strategy.*
• co-management agreements and species management agreements for the areas affected should be identified in the EIS.	• identification and analysis of relevant legislation and policies incorporated in the guidelines.
• existing constraints on the affected land and water ways must be identified in the guidelines.	• included in the guidelines under Section 4 Description of the Existing Environment.
• references should be made in the guidelines to the Sustainable Development Act and its Principles and Guidelines.	• Section 3 of the SDA not proclaimed but reference in the Guidelines that EIS incorporate and reflect the Principles of Sustainable Development.
• guidelines should reference any implementation plan or departmental, public sector requirements for the codes with which Manitoba Hydro will be complying.	• requirement for legislation/policies list incorporated in guidelines.
• need to acknowledge national conventions and accords in the guidelines.	• requirement for legislation/policies list incorporated in guidelines.

• require Manitoba Hydro to be specific with respect to its response to existing protected areas, national park candidates and areas of special interest under review for protected status.	• included in the guidelines.
• require inclusion of full information on transmission corridors.	• included in the guidelines as part of the transmission line route selection process.
• how will the project affect the province's ability to complete its network of protected areas or affect their long-term sustainability and habitat.	• included in the guidelines.
• identify the recommendations of the Climate Change Task Force in the guideline documents.	• requirement to assess the effect of the project on climate and climate on the project is incorporated.
• be specific in the guidelines in terms of climate change impacts and risks.	• included in the guidelines.
• include a requirement for a carbon inventory impact analysis.	• included in the guidelines.
• guidelines should ensure meaningful consultation is undertaken with affected First Nation peoples.	• part of the ongoing consultation process.
• require consistency with Conawapa draft guidelines and others.	• not applicable or appropriate.
• a Federal review panel should be established to fulfill the intent of the Canada-Manitoba Agreement.	• The Federal responsible authority (RA) has determined that a comprehensive study is the most appropriate process for the Wuskwatim Generation Project at this time, and will provide the means for ensuring that the environmental effects of the Wuskwatim projects receive careful consideration by the federal government. • the intent of the Canada-Manitoba Agreement is being met with the on-going cooperative environmental assessment process.

Date: Apr. 15
Author: The Clean Environment Commission

Guideline Related Comments	Action by the Project Administration Team
1. The CEC consultation practice be adopted as an integral part of the environmental assessment process for future development projects of this nature in Manitoba.	• this is a process related matter and not applicable to the finalization of the draft guidelines.

2. The guidelines should contain a list of definitions or glossary of terms. Supports the suggestion that public consultation materials such as draft guidelines should be made available in Cree and other aboriginal languages as necessary. A toll free number or e-mail should be provided to answer questions concerning the guidelines.	• guidelines require a glossary of terms. • guidelines will incorporate a toll free number and an e-mail address. • public consultation plan requires that the process identify the extent to which translated verbal and written information will be made available to First Nations.
3. The guideline should give clear directions, but allow the proponent to be adaptive and innovative. A greater degree of prescriptiveness is required to address the concerns expressed by those parties potentially affected by the proposed projects. The guidelines need to be written with greater clarity and certainty of what is required by consistently using the words "shall", "must" and "will".	• guidelines have been reviewed to ensure consistency, clarity and certainty and to be more prescriptive in nature. • guidelines allow adaptiveness and innovation.
4. The EIS guidelines should clearly outline the environmental policy framework for Manitoba. At a minimum the proponent should be requested to consider requirements of Manitoba's Sustainable Development Act, the principles and guidelines of sustainable development, recommendations outlined in the Consultation on Sustainable Development Implementation Report and proposed amendments to Manitoba's Environment Act concerning requirements for an effects assessment, which significantly broaden the assessment.	• requirement for relevant legislation/policies to be reported has been incorporated in guidelines. • guidelines require that the EIS incorporate and reflect the principles of sustainable development. • implementation of COSDI Recommendations and EA Amendments are in process and it is not appropriate to include in guidelines.
5. The EIS guidelines for the Wuskwatim projects include a requirement to describe the history, present status and future direction of hydroelectric development in Manitoba.	• requirement provided in the guidelines for reporting *Overview of Manitoba Hydro's System Composition.* • PUB process will address future hydro projects until 2015.
6. Guidelines should include maps and illustrations. EIS guidelines should specify that the "need", "purpose" and "alternatives" to the projects must be provided in a manner consistent with requirements under CEAA.	• 2 schedules have been added to outline the projects and the review process. • The consideration of "need for" and "alternatives to" the project are at the discretion of the RA (DFO) for a comprehensive study and are not required for the federal review of the Wuskwatim Generation Project. These will be examined under the PUB process. "Purpose of " and "alternative means of carrying out the project" are requirements under CEAA and are included in the Guidelines. • guidelines require reporting on the "purpose of" the project and "alternative means" of carrying out the project in accordance with CEAA.

7. The projects be assessed as one project and the EIS guidelines be revised accordingly.	• both projects will be reviewed and assessed concurrently under one process.
8. EIS guidelines should include the geographic area directly and indirectly affected by the projects. They also should include reference to both direct and indirect effects, both positive and negative.	• included in the guidelines.
9. Should contain sufficient direction to ensure that EA is at least consistent with best practice. Should provide for continual improvement of EA practice by incorporating the knowledge and experience from previous similar assessments from across Canada and other countries.	• draft guidelines, in our view, reflect this intent.
10. EIS guidelines should specify the methodology to be used for the EA. The methodology should include a balance of both scientific and Aboriginal traditional knowledge approaches.	• proponents are responsible to apply best EA practice methodologies which will be evaluated by PAT, TAC and other reviewers. • guidelines address traditional and local knowledge.
11. Strongly recommends the terms of Aboriginal traditional knowledge, traditional ecological knowledge, traditional knowledge, Aboriginal knowledge and other variations be defined in the EIS guidelines and the terms used appropriately. Should recognize the Cree world view. The public consultation and involvement Plan in the EIS guidelines be prepared to specifications in the *Guide to the Preparation of a Comprehensive Study* (1997) and the plan be approved by the Project Administration Team before implementation.	• the guidelines require that the proponent provide a glossary of terms in the EIS. • guidelines address traditional and local knowledge. • guidelines address consultation plans. • the guidelines have been drafted in accordance with the requirements of the *Canadian Environmental Assessment Act*. • guidelines address public consultation and involvement plan.
12. Should require documentation of the effects from past hydroelectric developments as a reference point.	• guidelines require that effects of past hydro development will be assessed as they relate to Cumulative Effects Assessment.
13. Should define baseline conditions in the area affected, identify environmental, socio-economic, cultural and other indicators of change, describe the effects of the project using these indicators, and prescribe follow-up programs to monitor and document changes over the longer term.	• included in the guidelines under *Description of the Existing Environment*.

14. Environmental effects should be defined in the EIS guidelines consistent with CEAA, COSDI report and proposed amendments to Manitoba's *Environment Act* as it relates to effects assessment. Both direct and indirect biophysical, socio-economic, cultural and other relevant effects of the projects should be identified, assessed and mitigated. Indirect effects on health, housing and culture in the Aboriginal communities should be assessed.	• guidelines describe a framework to identify and evaluate effects in accordance with the relevant legislation, regulation and policy. • COSDI recommendations and EA amendments are in a process of being implemented and it is not appropriate to include in the guidelines. • Socio-economic Environment section of guidelines to assess effects on Aboriginal communities.
15. Should ensure effects of the projects on physical and cultural heritage are assessed according to Reference Guide on Physical and Cultural and Heritage Resources (1996).	• Guidelines set requirements in accordance with CEAA and *The Environment Act*.
16. EIS guidelines should define cumulative environmental effects, identify methods to assess these and describe how they are to be considered and reported on in the EA.	• The requirement to complete a cumulative effects assessment is integral to the environmental assessment and has been included in the guidelines. The identification of potential cumulative effects will occur as part of the assessment process.
17. Strongly recommends that the EIS guidelines include requirements for the proponent to consider the effects of the proposed project on climate change as well as the reverse.	• included in the guidelines.
18. Consideration be given to the formation of an independent monitoring body to conduct and report on environmental monitoring programs for hydroelectric projects in the region.	• not applicable to the guidelines. To be evaluated when a follow-up monitoring plan is proposed as part of the EIS.

Date: Feb. 16
Author: Manitoba Conservation - Northwest Region

Guideline Related Comments	Action by the Project Administration Team
• The Environment Act proposal does not provide adequate info.	• applicable to the proposal and not the guidelines.
• needs to be adequate consultation with communities affected by the transmission lines in a similar manner as the consultations done with NCN.	• included in the guidelines.
• existing scientific knowledge to be referenced.	• included in the guidelines.

Date: Dec. 17 **Author:** Industry Trade & Mines - Petroleum Branch	
Guideline Related Comments	**Action by the Project Administration Team**
• no comments or concerns.	• no action.

Date: Jan. 7 **Author:** Intergovernmental Affairs - Community Planning Services	
Guideline Related Comments	**Action by the Project Administration Team**
• no land use or development concerns.	• no action.

Date: Jan. 16 **Author:** Manitoba Conservation - Water Quality Management	
Guideline Related Comments	**Action by the Project Administration Team**
• no apparent concerns.	• no action.

Date: Jan. 16 **Author:** Harold Smith - Aboriginal & Northern Affairs (Manitoba)	
Guideline Related Comments	**Action by the Project Administration Team**
• Nelson House First Nation's resource management area should be titled the Nelson House Resource Management Area and not the NCN RMA.	• included in the guidelines.

Date: Feb. 18 **Author:** Manitoba Conservation - SDRMB - Blair McTavish	
Guideline Related Comments	**Action by the Project Administration Team**
• The draft environmental protection plan required in the guidelines should address concerns raised by all participants in the assessment process, not just NCN.	• included in the guidelines.
• Need to include requirements to assess the project's effects on Manitoba's Protected Areas Initiative.	• included in the guidelines.

• Clearly and separately identify a requirement for information about critical areas and habitat for woodland caribou and moose.	• included in the guidelines.
• The effects of changing the nature of access to currently remote areas needs to be required in the guidelines.	• included in the guidelines.
• Noted that Tolko has first rights to the softwood resources within the Forest Management Licence area and may wish to exercise their rights to harvest any timber cleared for the transmission line or around the generating station.	• included in the guidelines.

Date: Feb. 29
Author: Natural Resources Canada - Environmental Affairs - Rennie Tupper

Guideline Related Comments	Action by the Project Administration Team
• requires specific information with respect to the handling and use of explosives as part of the construction of the project.	• not applicable to the guidelines.
• may need to issue an Explosives Factory Licence.	• not applicable to the guidelines.

Date: Feb. 19
Author: Environment Canada - Environmental Protection (Generation Project)

Guideline Related Comments	Action by the Project Administration Team
• "need for" and "purpose of" the project should be required as well as a discussion of alternatives.	• The consideration of "need for" and "alternatives to" the project are at the discretion of the RA (DFO) for a comprehensive study and are not required for the federal review of the Wuskwatim Generation Project. These will be examined under the PUB process. "Purpose of" and "alternative means of carrying out the project" are requirements under CEAA and are included in the Guidelines. PUB recommendations will be reported in the EIS process.
• list of applicable environmental legislation that might impact on the project.	• requirement to list relevant legislation and policies incorporated in the guidelines.
• add "identify and characterize the environment of the study area within which the project is to exist" as the Intent on page # 3.	• included in the guidelines.

• clarify between "scope of project" & "scope of EA".	• included in the guidelines.
• add "consideration of comments received from the public" on page # 4 - Scope.	• included in the guidelines.
• add "significance of the effects" on page # 4 - Scope.	• included in the guidelines.
• page # 4 under Scope - clarify which "other projects or alternatives" are being referred to.	• to be clarified in the description of the project to be provided in the EIS.
• consider the possible impacts of changes to the rest of Manitoba Hydro's system that would be caused by the addition of the Wuskwatim Project.	• included in the guidelines.
• add "or mitigation measures that would avoid or reduce the predicted adverse environmental effects" on page # 7 under Construction.	• included in the guidelines.
• include information on spill-prevention measures and contingency planning in the requirements of page # 8 under Operation.	• included in the guidelines.
• emphasizes the need for assessment of water quality issues such as those associated with methylation of mercury, sedimentation, temperature and nutrients.	• included in the guidelines.
• include under Terrestrial Environment (Vegetation) the requirement to assess impacts on riparian vegetation.	• included in the guidelines.
• at page # 10 - mention migratory birds in the fourth bullet under Wildlife.	• included in the guidelines.
• require discussion of the effects of the environment (climate variability/change) on the project and associated mitigation.	• included in the guidelines.
• require details on proposed accountability and reporting requirements in the Environmental Monitoring section.	• included in the guidelines.
• consideration of comments received from the public on page # 4 - Scope.	• included in the guidelines.

• on page # 4 under Scope - add "and the significance of these effects".	• included in the guidelines.
• add "avoid or" and "including reclamation plans and compensation where necessary" in the 2nd bullet of the section titled Construction on page # 6.	• included in the guidelines.
• suggests mentioning migratory birds in the 4th bullet under Terrestrial Environment (Wildlife) on page 8	• included in the guidelines.
• on page # 10 under Environmental and Socio-Economic Effects and Mitigation, include a requirement to discuss the effects of the environment (forest fires, climate variability/change) on the project and associated mitigation measures. .	• included in the guidelines.
• under Environmental Monitoring on page # 11, require details on accountability and reporting requirements.	• included in the guidelines.

Date: Mar. 4 **Author:** Health Canada (Wuskwatim Generation)	
Guideline Related Comments	**Action by the Project Administration Team**
• requests that a description of the measures that would be taken to protect health and safety of workers and the general public during construction and operation of the project be included as a requirement of the guidelines (pgs. 7 & 8).	• included in the guidelines.
• requests that under the Aquatic Environment section on page # 9 - "sufficient detail to predict the effects of potential changes in water quality as they relate to water use by humans.	• included in the guidelines.
• under Terrestrial Environment on page # 10 include a requirement for a list of potential contaminants in vegetation and wildlife used for human consumption purposes.	• included in the guidelines.

• under Socio-Economic Environment on page # 11, the third bullet under Resource Use should include a requirement for a sufficient amount of detail concerning human consumptive patterns regarding fish, wildlife and vegetation including quantities consumed and the parts.	• included in the guidelines.
• requests that a description of the measures that would be taken to protect health and safety of workers and the general public during construction and operation of the project be included as a requirement of the guidelines.	• included in the guidelines.
• under Air Quality, request that information regarding the potential health effects of herbicide use be required along with descriptions of alternative methods of vegetation control for transmission line corridors.	• included in the guidelines.
• under Socio-Economic Environment (Personal, family and Community Life) require consideration of exposure to electric and magnetic fields.	• included in the guidelines.

Date: Mar. 18 **Author:** Fisheries & Oceans Canada (Generation Project)	
Guideline Related Comments	**Action by the Project Administration Team**
• Introduction: Add an introductory paragraph which clearly states the purpose of the Guidelines.	• included in the guidelines.
• Intent: Broaden consideration of follow-up beyond monitoring.	• included in the guidelines.
• A sub-section be added to Section 1 requiring the proponent to describe the regulatory framework applicable to the Project review.	• included in the guidelines.
• Public Consultation: The proponent be asked to describe how concerns and issues raised by the public were incorporated into the Project development, design, impact mitigation and monitoring and to describe any plans for ongoing consultation with the public following completion of the EIA review.	• included in the guidelines.

• Require an overview of the Project components, site selection, and the timing for construction, commissioning, and decommissioning of the project.	• included in the guidelines.
• Add a section on the site selection process.	• included in the guidelines.
• Section 3: Construction, include:	
• a description of dewatering and water control facilities during construction.	• included in the guidelines.
• camps: potable water supply (location of source and intakes), and waste disposal.	• included in the guidelines.
• a description of contingency plans that consider the environmental effects associated with serious malfunctions or accidents.	• included in the guidelines.
• Section 4: Description of the Existing Environment include:	
• a general description of the study area including the rationale for the spatial and temporal boundaries used for the assessment.	• included in the guidelines.
• the potential effects of climate on the project.	• included in the guidelines.
• a description of any deficiencies or limitations in the existing environmental database.	• included in the guidelines.
• an opening paragraph under Aquatic Environment requiring the existing aquatic biological resources and associated habitat in watercourses, wetlands and other waterbodies, with and without the project.	• included in the guidelines.
• determination of a suite of biotic and abiotic indicators for the area and discuss the rationale for their selection.	• included in the guidelines.

• effects on aquatic invertebrate biodiversity in relation to.	• included in the guidelines.
• a description of critical life stages and requirements for key fish species.	• included in the guidelines.
• Section 5, Environmental and Socio-Economic Effects and Mitigation, Cumulative Effects - expand this section to clarify what is required for assessment.	• included in the guidelines.
• Section 7, Environmental Monitoring - require a description of how the proposed monitoring activities will help to verify and manage environmental effects and confirm the performance of mitigative measures.	• included in the guidelines.

April, 2002